

June 9, 2006

Mary Cottrell, Secretary
Department of Telecommunications and Energy
One South Station
Boston, MA 02110

RE: Bay State Gas, DTE 06-31: Proposed Schedules, Local 273 Response

Dear Ms. Cottrell:

In accordance with the Hearing Officer's rulings at the June 2, 2006 pre-hearing conference, Local 273 of the Utility Workers Union of America ("Local 273") hereby replies to the schedules proposed by Bay State Gas Company ("Bay State") and the United Steelworkers Union of America ("USWA") in their June 7, 2006 letter filings. Local 273 itself proposed a schedule at the June 2 hearing.

1. Intervenor written information requests and responses:

Local 273 originally proposed a deadline of July 21 for filing of intervenor information requests and Bay State concurred in its June 7 filing. However, USWA requested until July 28. Given that all parties concur that all Bay State replies should be completed by August 18,¹ **the deadline for filing all intervenor information requests should be set at July 28, with the deadline for all Bay State responses set at August 18.** This will still allow the company three full weeks from the last information request being served to answer all discovery. (All parties agree that responses should in fact be provided within 10 working days of the request). Given the limited number of parties in this case and the scope of the proceeding, this schedule should prove fully adequate for ensuring that all intervenor discovery is served and responded to by August 18.

2. Intervenor notice of intent to file testimony:

All parties agree that **the deadline for filing intervenor notices should be June 30.**

3. Filing of any intervenor testimony:

Bay State proposed a July 14 deadline; neither USWA nor Local 273 has previously filed

¹ Bay State and USWA proposed August 18 in their June 7 filings; Local 273 concurs.

a proposal. Local 273 now proposes that **the deadline for intervenor direct testimony should be August 18**. First, this will ensure that virtually all of Bay State's responses to intervenor testimony are in hand as of the deadline for filing intervenor testimony. Second, allowing intervenor's adequate time, until August 18, to file their direct cases will not interfere with the agreement of all parties that the case should be completed and fully briefed by the end of October (see below for briefing schedule). In fact, Local 273's proposed schedule calls for all briefs to be filed one week earlier than Bay State's proposal.

4. Bay State's written information requests of intervenors, and intervenor responses:

Bay State proposed that its written discovery should be filed within two weeks after the filing of intervenor testimony. If Local 273's proposed deadline of August 18 for intervenor testimony is adopted, the **deadline for Bay State written discovery requests should be September 1, with responses due no later than September 15**. Alternatively, since companies generally ask limited discovery of other parties, Local 273 would also agree to a deadline of August 28 (or earlier) for filing of Bay State's information requests, with replies due September 11 (or earlier), if the company wishes more time to review responses prior to crossing intervenor witnesses.

5. Hearings:

All parties agree that the hearings should be begun and concluded in September, with Bay State proposing that the hearings end by September 15. Given Local 273's proposal for the filing of discovery by the company and intervenor responses to discovery, Local 273 suggests that **hearings should begin on or about September 11 with the expectation that they will conclude by September 21**.

6. Briefs:

USWA proposes that initial briefs be due October 13, with replies due during the week of October 23. Bay State proposes that intervenors file initial briefs on October 6; that Bay State file its initial brief on October 23; and that intervenors and the company file their respective replies on October 30 and November 3.

In this case, where the company is the subject of the investigation and has only filed approximately 25 pages of testimony of one witness, it makes little sense for the intervenors to file briefs in advance of the company. Further, Local 273 sees no reason why parties cannot file simultaneous initial briefs and simultaneous replies, thereby shortening the briefing schedule. Local 273 therefore proposes that **initial briefs be due October 11**, approximately three weeks after hearings conclude, and that **replies be due October 23**. Should hearings end prior to September 21, the briefing schedule could be revised accordingly.

Thank you for your attention to this matter.

Sincerely,

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